

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT(S): Michael P. Whitman, et al. EXAMINER: Gloria R. Weeks  
SERIAL NO.: 10/785,672 GROUP: 3721  
FILED: February 23, 2004 DATED: May 13, 2011  
TITLE: **SURGICAL CUTTING AND STAPLING DEVICE**

Mail Stop 16  
Director of the USPTO  
P.O. Box 1450  
Alexandria, VA 22313-1450

*Filed Via EFS-Web*  
Confirmation No.: 2683

**REQUEST FOR REFUND**  
**(Improper Charge of Deposit Account)**

Sir:

I. REFUND REQUEST

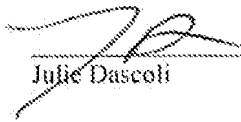
This is a request for a refund with respect to a charge to Deposit Account No. **21-0550** on **May 12, 2011**.

---

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being transmitted on the date below with the United States Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450, via electronic submission.

Dated: May 13, 2011

  
Julie Dascoli

**II. FEES CHARGED FOR WHICH REFUND REQUESTED**

**AMOUNT OF REFUND REQUESTED**

☐ filing fee for Small Entity

☐ surcharge for filing the basic filing fee on a  
date later than the filing date of the  
application (37 C.F.R. §1.16(e))

and/or

☐ surcharge for filing the oath or declaration on  
a date later than the filing date of the  
application (37 C.F.R. §1.16(e))

☒ extension of term

☐ 1 month

☒ 2 month

☐ 3 month

☐ excess independent claims

☐ issue fee

☐ petition fee

☐ patent maintenance fee

☐ first maintenance fee

☐ second maintenance fee

☐ third maintenance fee

☐ patent maintenance fee surcharge

☐ other:

**TOTAL REFUND REQUESTED**

**\$490.00**

**III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR**

On May 12, 2011, Applicants' electronically filed a Request for Continued Examination (RCE) together with a Petition for a Two-Month Extension of Time (due to a clerical error). However, no Extension of Time was required in connection with this filing, as the RCE was filed within three (3) months from the date of mailing of the Final Office Action (March 22, 2011). Applicants' inadvertently paid a \$490.00 Two-Month Extension of Time fee together with the required \$810.00 RCE fee (RAM Confirmation Number 9037). A copy of the Electronic Acknowledgement Receipt showing that the payment was successfully received in RAM on May 12, 2011 is attached for your convenience.

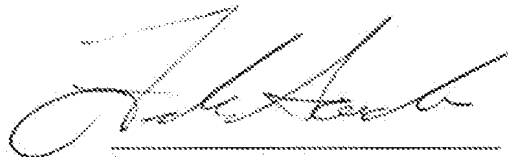
IV. MANNER OF REFUND

Please make refund by

  X   crediting Deposit Account No. 21-0550

       refunding payment.

Respectfully submitted,



Francesco Sardone  
Registration No. 47,918  
Attorney for Applicants

*Carter, DeLuca, Farrell & Schmidt, LLP*  
445 Broad Hollow Road  
Suite 420  
Melville, NY 11747  
Phone: 631-501-5700  
Fax: 631-501-3526

**Send correspondence to:**  
COVIDIEN – Surgical Devices  
Suite 8 N1  
Legal Department  
555 Long Wharf Drive  
New Haven CT 06511

FS:jd

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	10069711
<b>Application Number:</b>	10785672
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	2683
<b>Title of Invention:</b>	Surgical cutting and stapling device
<b>First Named Inventor/Applicant Name:</b>	Michael P. Whitman
<b>Customer Number:</b>	91478
<b>Filer:</b>	Francesco Sardone/Julie Dascoli
<b>Filer Authorized By:</b>	Francesco Sardone
<b>Attorney Docket Number:</b>	H-PM-00024 (1800-24)
<b>Receipt Date:</b>	12-MAY-2011
<b>Filing Date:</b>	23-FEB-2004
<b>Time Stamp:</b>	09:10:50
<b>Application Type:</b>	Utility under 35 USC 111(a)

### Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$ 1300
RAM confirmation Number	9037
Deposit Account	210550
Authorized User	

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

### File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Extension of Time	00185694.PDF	254270 a36e6f6c3c1131e4ab54384281f80c29c513120a	no	1

### Warnings:

### Information:

2	Request for Continued Examination (RCE)	00185625.PDF	769873 d4eb29555b5fe4b0e2ef5cb0b4c74ff83a31dc49	no	3
---	---	--------------	--	----	---

### Warnings:

### Information:

3	Fee Worksheet (PTO-875)	fee-info.pdf	32019 f94c947d5079624406cdf72cfd68a19340049a08d	no	2
---	-------------------------	--------------	--	----	---

### Warnings:

### Information:

Total Files Size (in bytes):

1056162

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

### New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

### National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

### New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.